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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,053	05/29/2001	William A. Rozzi	10278US01	5745

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EXAMINER
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LUU, MATTHEW

ART UNIT	PAPER NUMBER
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2672

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DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/867,053

Applicant(s)

ROZZI, WILLIAM A.

Examiner

LUU MATTHEW

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2&amp;3</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

**A person shall be entitled to a patent unless –**

**(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.**

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 3, 4, 9, 15, 16, 17, 19-20, 21, 23-25, 26, 27, 29, 31, 33, 34, 36, 38, 39, are rejected under 35 U.S.C. 102(e) as being anticipated by Deguchi et al (6,480,202).

Regarding claim 1, Deguchi discloses (Fig.8) a display device including: a display (monitor 103) that produces a visible representation of an image; and an illuminant condition sensor (ambient light input section 101) that senses illuminant conditions surrounding the display device. See column 7, lines 52-58.

Regarding claim 2, the display device (Fig. 8) further comprising computer circuitry (image processing section 100) that calibrates the display according to the illuminant

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conditions sensed by the sensor. See column 6, line 49 to column 7, line 6.

Regarding claim 3, Deguchi further discloses (Fig. 6) wherein the illuminant condition sensor (101) senses display emission characteristics of the display (colors of self-emission of monitor) in addition to illuminant conditions surrounding the display device (ambient light).

Regarding claim 4, Deguchi discloses (Figs. 6 and 8) the computer circuitry (image processing section 100) coupled to the sensor, the computer circuitry automatically calibrating the display according to illuminant conditions sensed by the sensor and display emission characteristics sensed by the sensor. See column 6, line 49 to column 7, line 6.

Regarding claim 9, Deguchi discloses that the sensor forms part of the display device. See column 7, lines 52-58.

Regarding claim 15, Deguchi discloses (Fig. 8) a method comprising: sensing illuminant conditions with an illuminant condition sensor that forms part of a display device; and automatically adjusting display characteristics of the display device according to the sensed illuminant conditions. See column 7, lines 52-58.

Regarding claim 16, Deguchi further discloses (Fig. 8) the illuminant condition sensor provides input to a display driver (monitor control section 102), and wherein the display characteristics of the display device are automatically adjusted by the display driver. See column 7, lines 21-30.

Regarding claim 17, the display device (Fig. 8) further comprising computer circuitry (image processing section 100) that calibrates the display according to the illuminant conditions sensed by the sensor. See column 6, line 49 to column 7, line 6.

Regarding claims 19-20, Deguchi further discloses (Fig. 6) wherein the illuminant condition sensor (101) senses display emission characteristics of the display (colors of self-emission of monitor) in addition to illuminant conditions surrounding the display device (ambient light).

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Regarding claim 21, Deguchi discloses (Fig. 8) a method comprising: sensing illuminant conditions with an illuminant condition sensor that forms part of a display device; and adjusting color data according to the sensed illuminant conditions. See column 7, lines 21-30.

Regarding claim 23, Deguchi discloses (Fig. 6) sensing display emission characteristics (color of self-emission of monitor) and adjusting color data according the sensed display emission characteristics. See column 3, lines 57-66; and column 8, lines 40-44.

Regarding claim 24, Deguchi discloses (Fig. 6) sensing display reflection characteristics (ambient light reflected by CRT surface) and adjusting color data according the sensed display reflection characteristics. See column 6, lines 57-64.

Regarding claim 25, Deguchi further discloses (Fig. 6) wherein the illuminant condition sensor (101) senses display emission characteristics of the display (colors of self-emission of monitor) in addition to illuminant conditions surrounding the display device (ambient light).

Regarding claim 26, Deguchi discloses (Fig. 8) the adjusting color data occurs in a color matching module (image processing section 100). See column 4, lines 55-58.

Regarding claims 27 and 29, Deguchi discloses (Figs. 6 and 8) the computer circuitry (image processing section 100) coupled to the sensor, the computer circuitry automatically calibrating the display according to illuminant conditions sensed by the sensor and display emission characteristics sensed by the sensor. See column 6, line 49 to column 7, line 6.

Regarding claim 31, Deguchi discloses (Fig. 8) a display device including: a display (monitor 103) that produces a visible representation of an image; and an illuminant condition sensor (ambient light input section 101) that senses illuminant conditions surrounding the display device. See column 7, lines 52-58. Deguchi further discloses (Fig. 8) the adjusting color data occurs in a color matching module (image processing section 100). See column 4, lines 55-58.

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Regarding claim 33, Deguchi discloses (Fig. 6) sensing display emission characteristics (color of self-emission of monitor) and adjusting color data according the sensed display emission characteristics. See column 3, lines 57-66; and column 8, lines 40-44.

Regarding claims 34 and 36, Deguchi discloses (Figs. 6 and 8) the computer circuitry (image processing section 100) coupled to the sensor, the computer circuitry automatically calibrating the display according to illuminant conditions sensed by the sensor and display emission characteristics sensed by the sensor. See column 6, line 49 to column 7, line 6.

Regarding claim 38, Deguchi discloses (Fig. 8) a color management control (monitor control section 102, image processing section 100, memory section 104), the color matching module (image processing section 100) residing in the color management control (102, 100, 104).

Regarding claim 39, Deguchi discloses (Fig. 1) a printing device (4) coupled to the color management control (Fig. 1). See column 1, lines 50-60.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6, 7-8, 10-14, 18, 22, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi et al (6,480,202) in view of Hansen (6,147,664).

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Regarding claim 5, note the rejection as set forth above with respect to claim 1.

The only difference between the claimed invention and the disclosure of Deguchi is that the claim 5 requires a second sensor that senses display emission characteristics.

However, Hansen discloses (Figs. 7-10) a display device for a computer system comprises a screen (200) for displaying a color picture image for a user in front of the screen, at least one sensors (Fig. 7, 580a and 580b) at different locations for detecting light around the screen. See column 14, lines 28-31.

Since Deguchi teaches that more than one photosensors mounted on the monitors (103) and Hansen teaches at least one sensors (Fig. 7, 580a and 580b) at different locations, it is obvious to a person of ordinary skill in the art can recognize that any photosensors of Deguchi can be considered as the claimed "second sensor" for sensing display emission characteristics at different locations on the display screen.

Regarding claim 6, Deguchi further discloses (Fig. 6) wherein the illuminant condition sensor (101) senses display emission characteristics of the display (colors of self-emission of monitor) in addition to illuminant conditions surrounding the display device (ambient light).

The only difference between the claimed invention and the disclosure of Deguchi is that the claim requires the sensor can be positioned at a first location to detect illuminant conditions and positioned at a second location to detect emission characteristics.

However, Hansen discloses (Figs. 7-10) a display device for a computer system comprises a screen (200) for displaying a color picture image for a user in front of the screen, at least one sensors (Fig. 7, 580a and 580b) at different locations for detecting light around the screen. See column 14, lines 28-31.

Since Deguchi teaches that more than one photosensors mounted on the monitors (103) and Hansen teaches at least one sensors (Fig. 7, 580a and 580b) at different locations, it is obvious to a person of ordinary skill in the art can recognize that any photosensors of Deguchi can be positioned at different locations for sensing both display emission characteristics and illuminant conditions surrounding the display device (ambient light).

Regarding claims 7-8, 10-14, 18, 22, and 32, the only difference between the claimed invention and the disclosure of Deguchi is that the claims require the sensor a charge coupled device, or a linear charged coupled device, or other different types of light sensing devices.

However, since Hansen mentions that a number of different ambient light sensors can be used for detecting ambient light (column 15, lines 51-52), it is obvious to a person of ordinary skill in the art to use the different light sensors of Hansen in

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place of the ambient light and color sensors of Deguchi to adjust both of the color and brightness of the color images displayed on the display screen using the best choice of sensing devices that fit for detecting light and color in various illuminant conditions surrounding areas.

Claims 28, 30, 35, 37, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deguchi et al (6,480,202) in view of Hansen (6,147,664) as applied to claims 1, 21, and 26 above, and further in view of Liang (5,579,031).

Regarding to claims 28, 30, 35, and 37 and the claimed look-up table, Deguchi further discloses (Fig. 17) the look-up table (LUTs) being used in the color and brightness adjustment display system of Deguchi. See column 28, lines 3-7 and lines 42-48.

Furthermore, Liang also discloses (Figs. 1 and 2) the using of look-up table for adjust color data. It is obvious to the person of ordinary skill in the art to use the look-up table for adjusting the color data, as taught by Liang, into the display device of Deguchi since this is conventional in the art.

Regarding claim 40, Liang also discloses (figs. 1 and 2) a plurality of a display devices in a color adjustment system. It is obvious to the person of ordinary skill in the art to use the multiple displays color matching method of Liang into the display system of Deguchi, and vice versa, to proved a display system that can adjust display emission characteristics in addition to illuminant conditions surrounding the display device (ambient light) to a multiple displays system since multiple displays "soft proofing" is well known in the art.



***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Berns et al (6,577,395) disclose a computer-readable medium allows users to measure a lighting condition of an object.

-Evelin (5,083,195) discloses a color display control system comprises two optical sensors (4, 5).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (703) 305-4850. The examiner can normally be reached on 9 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAZAVI MICHAEL can be reached on (703) 305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**MATTHEW LUU  
PRIMARY EXAMINER**